



# John C. Cook

## Braddock District Supervisor

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### Explanation of Decision on Ox Road Estates January, 2014

In making a recommendation to the Board of Supervisors on the Ox Road Estates rezoning, I found that there were four issues of paramount importance to the community: 1) density, 2) tree preservation, 3) stormwater (including future maintenance) and 4) traffic. Let me share my thoughts on each point:

**Density.** The county Comprehensive Plan recommends 2-3 homes per acre for this area. This is comparable to the density of both Fairfax Club Estates and Middleridge. The application was exactly in the middle range of 2.5 homes per acre.

The visual impact of density can be considered in two ways: the land can be equally divided into individual lots, or the privately owned lots can be made smaller to create more protected vegetated open space. In the case of Lot 10 behind your home, for example, there is a 20 foot rear yard setback on the lot itself and another 20 foot open space buffer that will be maintained by the Homeowner Association. In effect, this creates a visual distance to your lot line of 40 feet which is substantially greater than the 26 foot rear yard requirement in Middleridge.

I also asked the developer to provide me with a computation that would show individual lot size if these buffers were eliminated. For lots 8-13, if the land was made part of individual properties, the size ranged from 8,000 square feet to 13,252 square feet. This size is very similar to a number of the adjacent homes on Adare Drive. I did not feel that the community's request to further reduce the density to 10 homes was warranted.

I did consider the size of the proposed homes. While I agree that they are larger than the homes in Middleridge, I am consistently told that the market currently seeks larger homes on smaller lots because many families do not have the time for yard maintenance. In Fairfax County today, the median size of a new single-family home is 3,700 square feet. In addition, while the renderings on the Final Development Plan set the maximum footprint, the final product could be smaller.

A question was raised about the length of the driveways. The applicant has proffered 20 foot driveways which exceed the county requirement by 2 feet. Each home can successfully park 4 cars; two in the garage and two in the driveway.

**Compliance with the Planned District Housing (PDH) Standards.** This question was raised at the Planning Commission by Commissioner Hall. I particularly pressed staff on this issue. Responding to this question in its Addendum dated November 13, staff states:

"The development has been designed to address the key environmental issues present at the site, including effective management of stormwater runoff and the preservation of mature trees. By concentrating the open space at the lowest portion of the property, the design allows for an oversized stormwater management facility while simultaneously

providing sufficient area for active and passive recreation. In addition, the plan continues to provide 40% open space, (double the requirement of 20%) and meets the tree preservation target area requirement. Staff maintains that the proposal meets the purpose and intent of the Planned Development District Standards in the Zoning Ordinance...”

Ultimately, the Planning Commission unanimously agreed that these standards had been met.

### **Tree Preservation and Tree Canopy.**

Fairfax County requirements for tree preservation are stringent. In its initial proposal, the applicant asked for a waiver of those requirements. With my strong support, that waiver request was denied, and the applicant redesigned its plan to ultimately meet that requirement. As noted in the staff addendum, the applicant exceeds the county’s tree preservation requirement and is preserving 39,875 square feet of canopy. The 10 year canopy is also maintained at 30% which exceeds the 25% required by the Zoning Ordinance. The applicant reduced the original size of the homes to create a larger tree save area. The applicant has also proposed extensive replanting and landscaping. I am satisfied that the proposal met all county requirements.

### **Traffic and Trails.**

As you know, at VDOT’s request to the applicant, Wells and Associates undertook a Traffic Impact Analysis for the intersection of Adare Drive and Route 123. Normally, a subdivision of this size would not be required to undertake such an analysis, but VDOT wanted to study the operation of the traffic signal. VDOT has independently reviewed this analysis which was based on actual traffic counts taken on a normal workday.

In reviewing the raw data in that analysis, I find that between 7 and 10 a.m., there are a total of 231 cars heading westbound on Adare through the signalized intersection on Rt. 123. Of those, 119 turn southbound and 106 go northbound. During the same period only 59 cars heading northbound turn right from Rt. 123 onto Adare and 35 cars heading southbound turn left. 12 cars come across Ox from Fairfax Station Road. In the evening rush hour there are 156 cars making the same movement westbound on Adare between 4 and 7 p.m. Coming into the community from Ox Road in the evening rush, there are total 207 cars making a right turn and 72 cars making a left.

Fairfax Club Estates and Middleridge together have over 900 homes. I do not believe that the 13 homes in this community will contribute to any worsening of traffic for the community. VDOT has agreed to look at extending the green light on Adare Drive during the subdivision phase to clear any traffic queues. In addition, a “stop here on red” sign will be placed at the service drive to preclude problems with turning from and into the new community. VDOT has requested that the HOA maintain the existing access road, but I want to stress that had the road been public or private, the configuration would have remained the same.

Between the public hearing before the Planning Commission and its decision, in response to a question raised by Commissioner Hart, further research on the existing 8 foot trail that runs along Ox Road was undertaken. It was discovered that this trail is currently maintained by Fairfax County and that it was not appropriate to require maintenance by the new HOA. FCDOT has concurred in the decision to maintain the new section of trail which will be constructed by the developer.

## **Stormwater Management.**

In response to testimony at the Planning Commission, extensive additional analysis of the stormwater management proposal was undertaken. Staff from the Department of Public Works and Environmental Services reviewed detailed engineering calculations for the proposal and believes that it meets the standards required by Fairfax County. The applicant can fully detain the 2 and the 10 year storm, and can provide a proportional improvement for the 100 year storm. The applicant has also been able to demonstrate that should the stormwater system become partially or completely inoperable, no structures would flood. However, final calculations will be required during a lengthy site plan phase, and this project will not be approved should final engineering not be satisfactory. I have also spoken with site review staff and secured a commitment that a representative from the Northern Virginia Soil and Water Conservation District can review the stormwater plan during this phase and offer comments.

## **Maintenance of Improvements**

I remained concerned about the amount of infrastructure for which this new Homeowner Association will be responsible. I have also met with county staff and with several reputable contractors to get a sense of the cost to maintain rain gardens. There are widely divergent estimates on this issue, but it appears to be in the range of \$3-5,000 per year. Finally, the developer also provided information on the material that he uses to build his private roads which actually exceeds VDOT standards, and should last for many years given the amount of traffic the road will experience. Nevertheless, I met with the developer prior to the hearing on January 14 and asked that the overall contribution to the reserve fund be increased from \$13,000 to \$28,800. The developer will also be responsible for maintenance until all the homes are sold. However, at the end of 10 years, the homeowner association will have over \$85,000 in reserves for major maintenance, exclusive of its annual operating needs. I am satisfied that this is sufficient to protect this community and to protect the immediate neighbors from the possibility that the stormwater system might fail.

Decisions on land use cases, particularly when they involve infill development, are always difficult. The decision must strike a balance between the legitimate needs and concerns of the surrounding communities and the requirements of County Ordinances, Plans and Policies. In making my decision, I also reviewed the 18 page analysis of this project prepared by the Braddock District Land Use and Environment Committee which spent over a year examining the concerns raised by both county staff and the community. I remain concerned about some aspects of the application, but I believe it complied with county ordinances and policies. The current landowner, Mr. Thompson, spoke eloquently of his wish to sell his property, just as all his neighbors had done throughout the years. I believe he is entitled to that right.

A handwritten signature in black ink, appearing to read "John C. Cook". The signature is fluid and cursive, with the first name "John" and last name "Cook" clearly distinguishable.

John C. Cook